

1 STEFANIE T. SHARP, ESQ.  
2 Nevada Bar No. 8661  
3 **ROBISON, BELAUSTEGUI, SHARP & LOW**  
4 71 Washington Street  
5 Reno, Nevada 89503  
6 Tel: 775-329-3151  
7 Fax: 775-329-7941  
8 E-mail: ssharp@rbsllaw.com

9 *Attorneys for William McGrane*

10 **UNITED STATES BANKRUPTCY COURT**  
11 **DISTRICT OF NEVADA**

12 IN RE:

13 ANTHONY THOMAS and  
14 WENDI THOMAS,

15 Debtors.

16 Case No. BK-N-14-50333-btb  
17 Chapter 11

18 **DECLARATION OF STEFANIE T.**  
19 **SHARP IN SUPPORT OF NOTICE**  
20 **OF REFUSAL OF AMERICAN**  
21 **ARBITRATION ASSOCIATION TO**  
22 **COMPLY WITH COURT ORDER**  
23 **AND EX PARTE REQUEST FOR**  
24 **COURT TO ISSUE ORDER TO THE**  
25 **AMERICAN ARBITRATION**  
26 **ASSOCIATION TO APPEAR AND**  
27 **SHOW CAUSE FOR ITS FAILURE**  
28 **TO COMPLY WITH AN ORDER OF**  
**THIS COURT**

Hearing Date: N/A – Ex Parte  
Time: N/A – Ex Parte  
Set By: N/A – Ex Parte

I, STEFANIE T. SHARP, of Robison, Belaustegui, Sharp & Low, under penalty  
of perjury states that the following assertions are true and correct:

1. I am a duly licensed and practicing attorney in the State of Nevada, a shareholder  
of the law firm of Robison, Belaustegui, Sharp & Low and represent the interests of William  
McGrane herein. This Declaration is submitted in support of Notice of Refusal Of American  
Arbitration Association To Comply With Court Order And Ex Parte Request For Court To Issue  
Order To The American Arbitration Association To Appear And Show Cause For Its Failure To  
Comply With An Order Of This Court filed herewith.

1           2.       On May 30, 2014, I was notified via email communications between my client,  
2 William McGrane, and the American Arbitration Association ("AAA") that it was refusing to  
3 proceed with the arbitration in the California State Court Action (as defined in this Court's  
4 Order, Dkt. 45) contending that the automatic stay prevented it from doing so. Therefore,  
5 pursuant to Mr. McGrane's request, I provided AAA with the following pleadings associated  
6 with the above entitled bankruptcy proceeding:

7           a.       The Stipulation for Comfort Order, Dkt. 43, confirming the inapplicability  
8 of the automatic stay to the California State Court Action executed by our office as  
9 counsel for Mr. McGrane and Ms. Estes as counsel for the Debtors in the above entitled  
10 action;

11           b.       This Court's Order, Dkt. 45, (the "Order") confirming the inapplicability  
12 of the stay the the California State Court Action; and

13           c.       The Notice of Entry of the Order, Dkt. 46.

14           A true and correct copy of my email of May 30, 2014 to Sandra Marshall at AAA is  
15 attached hereto as Exhibit A.

16           3.       On June 9, 2014, I received an email communication from Jeffrey Garcia at AAA  
17 confirming AAA's position that it was refusing to honor and comply with the Order. A true and  
18 correct copy of the email I received from Mr. Garcia on June 9, 2014 is attached hereto as  
19 Exhibit B.

20           DATED this 20<sup>th</sup> day of June, 2014.

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23           By: /s/ Stefanie T. Sharp  
24               Stefanie T. Sharp, Esq.  
25               *Counsel for William McGrane*  
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**Exhibit A**  
**May 30, 2014 Email To Sandra Marshall At AAA**

**Claudia Zaehring**

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**From:** Stefanie Sharp  
**Sent:** Friday, May 30, 2014 10:56 AM  
**To:** 'AAA Sandra Marshall'  
**Cc:** 'Anthony Thomas'; 'William McGrane'  
**Subject:** RE: William McGrane V. Anthony Thomas - Case 01-14-0000-2456  
**Attachments:** 43-McGrane.Debtors Stip for Comfort Order.pdf; 45- Order Approving Stip Comfort Order [McGrane].pdf; 46-Notice of Entry of Order.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms. Marshall: The stay does not apply to this matter and the U.S. Bankruptcy Court has issued its order confirming this to be the case. Attached for your file are:

1. The Stipulation for Comfort Order confirming the inapplicability of the automatic stay executed by our office as counsel for Mr. McGrane and Ms. Estes as counsel for Mr. Thomas; and
2. The associated Comfort Order confirming the inapplicability of the stay along with the Notice of Entry of Order.

There is no stay in effect with respect to this matter. Please have your in house counsel contact me if there are further questions in this regard.

Best regards. Stefanie Sharp

Stefanie T. Sharp  
Robison, Belaustegui, Sharp & Low  
71 Washington Street  
Reno, NV 89503  
Tel: (775) 329-3151  
Fax: (775) 329-7941

-- CONFIDENTIALITY -- This email (including attachments) is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, please do not read, copy, or re-transmit this communication. If you are the intended recipient, this communication may only be copied or transmitted with the consent of the sender. If you have received this email in error, please contact the sender immediately by return email and delete the original message and any attachments from your system. Thank you in advance for your cooperation and assistance.

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**Exhibit B**

**Email Received From Mr. Garcia On June 9, 2014**

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**Claudia Zaehring**

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**From:** AAA Jeffrey Garcia <JeffreyGarcia@adr.org>  
**Sent:** Monday, June 09, 2014 1:23 PM  
**To:** Anthony Thomas; william.mcgrane@mcgranellp.com; Stefanie Sharp  
**Cc:** AAA Jeffrey Garcia; AAA Sandra Marshall  
**Subject:** RE: William McGrane V. Anthony Thomas - Case 01-14-0000-2456

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Case Number: 01-14-0000-2456

William McGrane  
-vs-  
Anthony Thomas

Dear Parties,

Again, thank you for your patience while we reviewed the parties' positions.

Based on the correspondence and court documents submitted to date, the AAA does not believe the Comfort Order provides AAA the authority to administer this arbitration as filed. The AAA will continue to hold this matter in abeyance and will follow any court order regarding claims against the debtor to be administered in the above captioned arbitration.

Thank you in advance for your consideration.

Sincerely,

Jeffrey Garcia



**AAA Jeffrey Garcia**  
**Vice President**

American Arbitration Association  
6795 N. Palm Ave. 2nd Floor  
Fresno, CA 93704  
T: 559 490 1860  
F: 855 433 3046  
E: JeffreyGarcia@adr.org

The information in this transmittal (including attachments, if any) is privileged and/or confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.

**From:** AAA Jeffrey Garcia  
**Sent:** Friday, June 06, 2014 6:49 PM  
**To:** Anthony Thomas; william.mcgrane@mcgranellp.com; ssharp@rbsllaw.com  
**Cc:** AAA Jeffrey Garcia  
**Subject:** William McGrane V. Anthony Thomas - Case 01-14-0000-2456

**CERTIFICATE OF SERVICE**

I served a true and correct copy of the within **DECLARATION OF STEFANIE T. SHARP IN SUPPORT OF NOTICE OF REFUSAL OF AMERICAN ARBITRATION ASSOCIATION TO COMPLY WITH COURT ORDER AND EX PARTE REQUEST FOR COURT TO ISSUE ORDER TO THE AMERICAN ARBITRATION ASSOCIATION TO APPEAR AND SHOW CAUSE FOR ITS FAILURE TO COMPLY WITH AN ORDER OF THIS COURT** on June 20, 2014, by the following means to the persons as listed below:

X Electronically pursuant to the Court's **ECF System** to:

KEVIN A. DARBY on behalf of Creditor FM HOLDINGS  
kevin@darbylawpractice.com, alecia@darbylawpractice.com;  
sarah@darbylawpractice.com; itati@darbylawpractice.com;  
tricia@darbylawpractice.com

KEVIN A. DARBY on behalf of Creditor MARKET LINK INC.  
kevin@darbylawpractice.com, alecia@darbylawpractice.com;  
sarah@darbylawpractice.com; itati@darbylawpractice.com;  
tricia@darbylawpractice.com

KEVIN A. DARBY on behalf of Creditor JERRY FERRARA  
kevin@darbylawpractice.com, alecia@darbylawpractice.com;  
sarah@darbylawpractice.com; itati@darbylawpractice.com;  
tricia@darbylawpractice.com

KEVIN A. DARBY on behalf of Creditor TODD ARMSTRONG  
kevin@darbylawpractice.com, alecia@darbylawpractice.com;  
sarah@darbylawpractice.com; itati@darbylawpractice.com;  
tricia@darbylawpractice.com

KEVIN A. DARBY on behalf of Interested Party KIT MORRISON  
kevin@darbylawpractice.com, alecia@darbylawpractice.com;  
sarah@darbylawpractice.com; itati@darbylawpractice.com;  
tricia@darbylawpractice.com

1 TIMOTHY A LUKAS on behalf of Creditor BEACH LIVING TRUST JOHN BEACH,  
2 AS TRUSTEE  
3 ecflukast@hollandhart.com

4 WAYNE A. SILVER on behalf of Creditor KENMARK VENTURES, LLC  
5 w\_silver@sbcglobal.net, ws@waynesilverlaw.com

6 WAYNE A. SILVER on behalf of Plaintiff KENMARK VENTURES, LLC  
7 w\_silver@sbcglobal.net, ws@waynesilverlaw.com

8 ALAN R SMITH on behalf of Debtor AT EMERALD, LLC  
9 mail@asmithlaw.com

10 ALAN R SMITH on behalf of Debtor ANTHONY THOMAS  
11 mail@asmithlaw.com

12 ALAN R SMITH on behalf of Jnt Admin Debtor AT EMERALD, LLC  
13 mail@asmithlaw.com

14 ALAN R SMITH on behalf of Joint Debtor WENDI THOMAS  
15 mail@asmithlaw.com

16 AMY N. TIRRE on behalf of Creditor KENMARK VENTURES, LLC  
17 amy@amytirrelaw.com, admin@amytirrelaw.com

18 AMY N. TIRRE on behalf of Plaintiff KENMARK VENTURES, LLC  
19 amy@amytirrelaw.com, admin@amytirrelaw.com

20 U.S. TRUSTEE - RN - 11  
21 USTPRegion17.RE.ECF@usdoj.gov

22 X United States Mail, postage prepared to:

23 American Arbitration Association  
24 6795 N. Palm Ave. 2nd Floor  
25 Fresno, California 93704  
Attn: Jeffrey Garcia, Vice President

26 X By Email to:  
27 Jeffrey Garcia, Vice President - JeffreyGarcia@adr.org

28 DATED: June 20, 2014.

  
CLAUDIA ZAEHRINGER